

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ELIZABETH STALEY, *Individually and as  
Personal Representative of the  
Estate of James G. Belshaw, deceased,*

Plaintiff,

v.

Case No. 1:22-cv-324 KRS/JFR

CRAIG A. YOST, LISA A. YOST,  
MARTHANNE REINHARD, and  
VILLAGE OF CORRALES,

Defendants.

**ORDER ON MOTION TO DISMISS PLAINTIFF JAMES G. BELSHAW**

THIS MATTER comes before the Court on Defendants Craig A. Yost, Lisa A. Yost, and Marthanne Reinhard's Motion to Dismiss Plaintiff James G. Belshaw Pursuant to Federal Rules of Civil Procedure, Rule 25, (Doc. 78), filed January 24, 2023. Defendants seek to dismiss claims brought by Plaintiff Belshaw pursuant to Federal Rule of Civil Procedure 25 because he passed away on October 15, 2022. *Id.* at 1 (citing Notice of Suggestion of Death, Doc. 45). After obtaining an extension of time (*see* Docs. 79, 84 and 85), Plaintiff Staley moved the Court to allow her to substitute in place of Plaintiff Belshaw as either the personal representative of his estate and/or his widow and sole heir. (Doc. 89). The Magistrate Judge assigned to this case granted the motion to substitute and ordered that "'Plaintiff Elizabeth Staley, as Personal Representative of the estate of James G. Belshaw, deceased' is substituted for plaintiff James G. Belshaw in this case." (Doc. 90). The Clerk of the Court subsequently amended the case caption to reflect this substitution. Accordingly, the Court finds that the Motion to Dismiss Plaintiff Belshaw is moot, since Plaintiff Staley has been substituted for him.

IT IS THEREFORE ORDERED that the Motion to Dismiss Plaintiff James G. Belshaw  
Pursuant to Federal Rules of Civil Procedure, Rule 25, (Doc. 78), is DENIED AS MOOT.

IT IS SO ORDERED.

A handwritten signature in dark ink, reading "Kevin Sweazea". The signature is written in a cursive style with a horizontal line underneath the name.

KEVIN R. SWEAZE  
UNITED STATES MAGISTRATE JUDGE